

GEORGE A. RILEY (State Bar No. 118304)
 O'MELVENY & MYERS LLP
 Two Embarcadero Center
 28th Floor
 San Francisco, California 94111-3828
 Telephone: (415) 984-8700
 Facsimile: (415) 984-8701
 E-Mail: griley@omm.com
 Attorneys for Defendant APPLE INC.

JAY W. EISENHOFER (*admitted pro hac vice*)
 MICHAEL J. BARRY (*admitted pro hac vice*)
 GRANT & EISENHOFER P.A.
 Chase Manhattan Centre
 1201 N. Market Street
 Wilmington, Delaware 19801
 Telephone: (302) 622-7000
 Facsimile: (302) 622-7100
 E-Mail: jeisenhofer@gelaw.com
 mbarry@gelaw.com
 Attorneys for Lead Plaintiff THE NEW YORK CITY EMPLOYEES'
 RETIREMENT SYSTEM

(Additional Counsel Listed on Signature Page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE APPLE INC. SECURITIES
 LITIGATION

Case No. C06-05208-JF

CLASS ACTION

THIS DOCUMENT RELATES TO:
 ALL ACTIONS

**STIPULATION AND [PROPOSED]
 ORDER REGARDING SCHEDULING
 MATTERS**

Department: Ctrm. 3, 5th Floor
 Judge: Honorable Jeremy Fogel

1 WHEREAS, on August 24, 2006, plaintiffs Vogel and Mahoney filed a class action
2 complaint in this Court alleging that certain defendants violated the Securities Exchange Act of
3 1934 (the "Exchange Act"), including § 10(b) and Rule 10b-5 thereunder, and § 20(a) ("*Vogel*
4 *I*");

5 WHEREAS, on June 27, 2008, plaintiffs Vogel and Mahoney filed a new class action
6 complaint in this Court alleging that certain defendants violated the Exchange Act, including
7 § 10(b) and Rule 10b-5 thereunder, and § 20(a) ("*Vogel II*");

8 WHEREAS, on April 8, 2010, this Court entered an order consolidating *Vogel I* and *Vogel*
9 *II*, extending defendants' time to respond to the complaint to June 25, 2010, and setting a briefing
10 schedule in the event that defendants respond to the complaint by filing motions;

11 WHEREAS, on May 14, 2010, plaintiffs filed a [Corrected] First Amended Consolidated
12 Class Action Complaint ("Complaint");

13 WHEREAS, on August 31, 2010, the Court entered an order continuing a Case
14 Management Conference scheduled for September 3, 2010, at 10:30 a.m., to September 24, 2010,
15 at 10:30 a.m., and extending defendants' time to respond to the Complaint to October 1, 2010;

16 WHEREAS, September 20, 2010, the Clerk of the Court issued a Clerk's Notice
17 continuing the Case Management Conference set for September 24, 2010, to October 1, 2010, at
18 10:30 a.m.;

19 WHEREAS, on September 28, 2010, the parties filed a Stipulation and Agreement of
20 Settlement and requested entry of an order preliminarily approving the settlement, directing
21 notice of the settlement, and scheduling a settlement fairness hearing;

22 WHEREAS, on September 29, 2010, the Court entered an order setting the hearing on
23 plaintiffs' unopposed motion for preliminary approval of the settlement for October 7, 2010, at
24 10:00 a.m., and continued the Case Management Conference set for October 1, 2010, to October
25 7, 2010, to be heard with the motion;

26 NOW, THEREFORE, counsel for plaintiffs, counsel for Apple Inc., and counsel for
27 individual defendants Fred D. Anderson, William V. Campbell, Millard S. Drexler, Nancy R.
28

Heinen, Steven P. Jobs, Arthur D. Levinson and Jerome B. York hereby stipulate and agree, and respectfully request that the Court enter an order, as follows:

1. Defendants shall not be required to respond to the Complaint pending the Court's consideration of the proposed settlement.

Dated: October 1, 2010

GEORGE A. RILEY
O'MELVENY & MYERS LLP

By: /s/ George A. Riley

George A. Riley

Attorneys for Defendant
APPLE INC.

Dated: October 1, 2010

DOUGLAS R. YOUNG (S.B. #73248)
FARELLA BRAUN & MARTEL LLP
Russ Building
235 Montgomery Street, 17th floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480
E-Mail: dyoung@fbm.com

By: /s/ Douglas R. Young

Douglas R. Young

Attorneys for Defendants
STEVEN P. JOBS, WILLIAM V.
CAMPBELL, MILLARD S. DREXLER,
ARTHUR D. LEVINSON and JEROME B.
YORK

Dated: October 1, 2010

JEROME C. ROTH (S.B. #159483)
YOHANCE C. EDWARDS (S.B. #237244)
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, California 94105
Telephone: (415) 512-4000
Facsimile: (415) 512-4077
E-Mail: Jerome.Roth@mto.com
Yohance.Edwards@mto.com

By: /s/ Yohance C. Edwards

Yohance C. Edwards

Attorneys for Defendants
FRED D. ANDERSON and NANCY R.
HEINEN

1 Dated: October 1, 2010

JAY W. EISENHOFER (*admitted pro hac vice*)
MICHAEL J. BARRY (*admitted pro hac vice*)
GRANT & EISENHOFER P.A.
Chase Manhattan Centre
1201 N. Market Street
Wilmington, Delaware 19801
Telephone: (302) 622-7000
Facsimile: (302) 622-7100
E-Mail: jeisenhofer@gelaw.com
mbarry@gelaw.com

7 By: /s/ Michael J. Barry

8 Michael J. Barry

9 MERRILL GLEN EMERICK (SB# 117248)
ANDERLINI & EMERICK LLP
411 Borel Avenue, Suite 501
San Mateo, California 94402
Telephone: (650) 242-4884
Facsimile: (650) 212-0081

12 Attorneys for Lead Plaintiff
13 THE NEW YORK CITY EMPLOYEES'
14 RETIREMENT SYSTEM

15 I, George A. Riley, am the ECF User whose ID and password are being used to file this
16 Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General
17 Order 45, X.B., I hereby attest that Douglas R. Young, Yohance C. Edwards and Michael J. Barry
18 have concurred in this filing.

19 By: /s/ George A. Riley

20 George A. Riley

21
22 **ORDER**

23 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

24
25 DATED: _____, 2010

The Honorable Jeremy Fogel
United States District Judge

26
27 MP1:1199544.1